

## **CHAPTER 752 CORRECTIVE, DISCIPLINARY AND ADVERSE ACTIONS**

### **SUBCHAPTER 3 LETTER OF REPRIMAND SUSPENSION OF 14 DAYS OR LESS**

#### **1. DEFINITIONS**

- a. *Letter of Reprimand.* A written remedy by a supervisor for an employee's improper conduct. In certain situations, this type of letter may be appropriate for performance deficiencies.
- b. *Suspension.* The placing of an employee in a temporary status without duties or pay for disciplinary reasons. Suspensions are counted in calendar days.

#### **2. CONDITIONS FOR USE**

- a. *Letter of Reprimand*

- (1) Each letter of reprimand will:
  - (a) Specify the reasons for its issuance.
  - (b) Specify the employee's right to file a written grievance through the procedures established in Chapter 771 of this Manual, or file a grievance under a negotiated grievance procedure, as appropriate.
  - (c) State the length of time, not less than one nor more than two years, that the letter will be made a matter of record in the employee's Official Personnel Folder.
  - (d) State that the letter of reprimand may be counted as a prior offense when determining a remedy under Appendix B of this Chapter.
- (2) Reprimands over two (2) years old may not be counted as a prior offense, but may be considered in determining the appropriate remedy within a range for any subsequent offense.
- b. An employee against whom a *suspension of 14 days or less* is proposed is entitled to:

- (1) An advance written notice stating:
  - (a) The specific reasons for the proposed action.

(b) The name and title of the official designated to hear an oral reply and/or receive the written reply (the official so designated must have authority to either make or recommend a final decision on the proposed disciplinary action).

(c) The amount of time, but not less than 24 consecutive hours, allowed to answer orally and/or in writing and to furnish affidavits and other documentary evidence in support of the answer.

(d) The right of the employee and/or the employee's representative to review the material which is relied upon to support the reasons given in the notice.

(e) A reasonable amount of official time to review the material relied upon to support the proposal, to prepare an answer and to secure affidavits, if the employee is otherwise in a duty status.

(f) The right to be represented by an attorney or other representative.

(2) A written decision at the earliest practicable date which:

(a) considers only the reasons specified in the notice of proposed action.

(b) specifies the reasons for the decision.

(c) considers any answer of the employee and/or the employee's representative made to a designated official.

(d) states that the suspension may be counted as a prior offense indefinitely.

(e) is signed by an official in a higher position than the official who proposed the action, unless the Activity Head issued the advance notice, in which case the Activity Head may issue the written decision.

(f) specifies the employee's right to contest the action within 15 calendar days through the Administrative Grievance System (see Chapter 771 of this Manual) or under a negotiated grievance procedure, as appropriate.

(g) is delivered to the employee on or before the date the suspension is to begin.

### **3. RIGHT TO REPRESENTATION**

a. During pre-action investigations:

(1) The employee is in a bargaining unit. The language of the applicable contract will specify whether the employee must request representation or be advised of the right to representation.

(2) The employee, while not in a bargaining unit , requests representation. The employee's request to be represented by a person of his/her choice may be granted at management's discretion. See Subchapter 1 of this chapter regarding disallowing representatives.

b. Representation rights at the oral response stage will be stated in a written notice to the employee.

4. **GRIEVANCE RIGHTS.** Employees in a bargaining unit covered by a negotiated agreement have those rights stated in the agreement. Employees not covered by a negotiated agreement have grievance rights through the Administrative Grievance System discussed in Chapter 771 of this Manual.

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